



## Director's Rule 19-89

Applicant  CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	Page of 1 3	Supersedes NA
	Publication 9-1-89	Effective 10/2/89
Subject  Partial Application for Building Permits/Vesting and Permit Expiration	Code and Section Reference Land Use Code Sec. 23.76.026 & 23.76.032, Seattle Municipal Code; Sec. 302 & 303 Seattle Building Code (Ch. 22.200, SMC)	
	Type of Rule Procedure	
	Ordinance Authority 3.06.040 Seattle Municipal Code	
Index Building & Land Use Codes/Procedural Requirements	Approved <i>Dennis McLerran</i>	Date 9/27/89

### BACKGROUND

Section 23.76.026A of the Land Use Code which regulates vesting of development rights, states:

"Applications for all master use permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date a fully complete building permit application meeting the requirements of Section 302 of the Seattle Building Code is filed."

It further provides that:

"An application for a building permit submitted for part of a building or structure pursuant to Section 303(a) of the Seattle Building Code, shall be considered a complete building permit application for the purpose of this section only if the partial building permit application includes the complete structural frame of the building or structure."

Section 303(d)3 of the Seattle amendments to the Uniform Building Code was changed in June, 1989, to state that buildings permits shall expire in 18 months, except that

3. "For other than Group R, Division 3 and Group M, Division 1 occupancies, [Single family homes and duplexes and their accessory garages] permits for construction of new structures which are vested to prior Land Use and Zoning Ordinance provisions and do not conform with the codes in effect at the time the building permit is issued shall expire 180 days after issuance unless the work authorized by the permit has been started and the permit holder has requested and is ready for an inspection required by Section 305(e). If the term of the permit is less than 180 days, the earlier expiration date shall



apply. The Building Official may extend the life of a nonconforming permit when the work is delayed by litigation, appeals, strikes or other causes related to the work authorized by the permit, beyond the permit holder's control."

In addition, Section 23.76.032A of the Land Use Code, which regulates expiration of Master Use Permits, states that for most issued Master Use Permits which require an associated building permit,

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or a completed application for a building permit which is subsequently issued is submitted at least sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner.

This rule explains the circumstances under which a partial building permit will be accepted for filing in order to vest development rights or extend the life of an issued Master Use Permit.

#### RULE

A. Effective immediately, a complete building permit application is required to be filed for all new construction other than high rise buildings in order to vest. In addition to the required plans and specifications identified in Section 302 of the Seattle Building Code, all required energy calculations, drainage plans, and an extra plot plan must be filed. Applications for mechanical permits may be made separately.

B. 1. Except for high rise buildings, in order for a building permit application to extend the life of an associated issued Master Use Permit, it must be a complete building permit application and must include the plans and specifications identified in Section 302 of the Seattle Building Code, all required energy calculations, drainage plans and an extra plot plan.

2. For high rise buildings, the life of an associated issued Master Use Permit may either be extended by submittal of a completed building permit application as described in paragraph B1; or by submittal of the first phase of a phased building permit application, which shall include the complete structural frame of the building, including demolition, excavation, shoring, foundation, frame and sufficient architectural information to document compliance with the basic fire and life safety program agreed upon following the 1807 Highrise Predesign Conference, and address the Energy Code Major

Energy Code Major Projects requirements. This includes basic floor plans, elevations, identification of occupancies, location of exit enclosures, elevator recall floors, and 1807 conference notes and minutes.

If the applicant chooses the phased permit option, a written request to DCLU is required prior to permit application. The request must describe the proposed phases, the dates of application for each phase, and the construction start and end dates. Continuous progress towards obtaining the first phase structural permit shall be made. Once the foundation permit is issued, the applicant shall be prepared for inspection within 180 days as required in Section 303d of the Building Code. The exceptions permitted in Section 303d shall apply. Ongoing construction progress is required and will be closely monitored.

#### REASON

For purposes of vesting and permit extension, projects of a smaller scope and scale than a highrise structure shall not be phased. This is consistent with the degree of financial investment required to complete the plans, and with the design profession's standard practice for buildings other than high rises. In keeping with the policy set by the Mayor and Council in shortening the life of building permits vested to previous Land Use Code provisions, vested highrise buildings with phased permits shall be closely monitored to insure that progress toward completion of the project is being made, or the permit application or permit will be cancelled. When vesting is not an issue, the Department may, on a case-by-case basis, allow phased building permit applications for projects whether they are highrises or not.